

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

KENDRICK STORY
#09289.20

PLAINTIFF

v.

No. 4:20-cv-1496-DPM-JTR

R. NEWBY, APN Wellpath

DEFENDANT

ORDER

1. The Court withdraws the reference.

2. Story hasn't paid the filing and administrative fees in this case; and his motion to proceed *in forma pauperis* fails because he is a three-striker. Before filing this lawsuit, he'd had at least three cases dismissed for failing to state a claim. *E.g., Story v. Murry*, 4:20-cv-919-BRW; *Story v. Foote*, 5:13-cv-195-DPM; and *Story v. Hobbs*, 5:13-cv-72-BSM. Further, nothing in Story's complaint suggests he was in imminent danger of serious physical injury when he filed this lawsuit. *Doc. 2*; 28 U.S.C. § 1915(g). Story's claims are about two instances of alleged lack of medical treatment; but those issues resolved in June and October of 2020 respectively. *Doc. 2 at 6-9*. Story's motion to proceed *in forma pauperis*, *Doc. 1*, is therefore denied.

3. Story's complaint will be dismissed without prejudice. If Story wants to pursue this case, then he must pay the \$402 filing and

administrative fees and file a motion to reopen by 12 April 2021. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

4. Motions for status, *Doc. 4-6*, denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

11 March 2021